

**Introduced by Senator Allen**

February 25, 2015

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An act to amend Section 13399 of the Water Code, relating to water quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 454, as introduced, Allen. Water quality: minor violations.

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board and the California regional water quality control boards to conduct inspections for violations of specified law. The act requires the state board and the regional boards to determine the types of violations that are minor violations and requires the state board to adopt regulations or state policy for water quality, as prescribed.

This bill would make nonsubstantive changes to the provision relating to minor violations.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13399 of the Water Code is amended to
- 2 read:
- 3 13399. (a) The Legislature hereby finds and declares that the
- 4 purpose of this chapter is to establish an enforcement policy for
- 5 violations of this division that the enforcement agency finds are
- 6 minor when the danger they pose to, or the potential that they have
- 7 for endangering, human health, safety, or welfare or the
- 8 environment are taken into account.

(b) It is the intent of the Legislature in enacting this chapter to provide a more resource-efficient enforcement mechanism, faster compliance times, and the creation of a productive and cooperative working relationship between the state board, the regional boards, and the regulated community while maintaining protection of human health and safety and the environment.

(c) This chapter applies solely to the actions of the state board and the regional boards in administering this division and has no application to the administrative enforcement actions of other public agencies.

(d) The state board and each regional board shall implement this chapter by determining the types of violations of this division, or of the regulations, rules, standards, orders, permit conditions, or other requirements adopted pursuant to this division that the state board or the regional board finds are minor violations in accordance with subdivisions (e) and (f). The state board shall implement this chapter through adoption of regulations or state policy for water quality control pursuant to Article 3 (commencing with Section 13140) of Chapter 3.

(e) In determining the types of violations that are minor violations, the state board or regional board shall consider all of the following factors:

- (1) The magnitude of the violation.
- (2) The scope of the violation.
- (3) The severity of the violation.
- (4) The degree to which a violation puts human health, safety, or welfare or the environment into jeopardy.
- (5) The degree to which a violation could contribute to the failure to accomplish an important goal or program objective as established by this division.

(6) The degree to which a violation may make it difficult to determine if the violator is in compliance with other requirements of this division.

(f) For purposes of this chapter, a minor violation of this division shall not include any of the following:

- (1) ~~Any~~A knowing, willful, or intentional violation of this division.
- (2) ~~Any~~A violation of this division that enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage.

1     (3) ~~Any~~A violation that is a chronic violation or that is  
2     committed by a recalcitrant violator.  
3     (g) In determining whether a violation is chronic or a violator  
4     is recalcitrant, for purposes of paragraph (3) of subdivision (f), the  
5     state board or regional board shall consider whether there is  
6     evidence indicating that the violator has engaged in a pattern of  
7     neglect or disregard with respect to the requirements of this division  
8     or the requirements adopted pursuant to this division.

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